

Case Name: Rosenfeld v. AC2T, Inc. et al. Case Number: 20 CV - 04662 (RRM) (PK)

## PROPOSED DISCOVERY PLAN/SCHEDULING ORDER

	<b>DONE</b>	<b>NOT APPLICABLE</b>	<b>DATE</b>
<b>A. ACTIONS REQUIRED <i>BEFORE</i> THE INITIAL CONFERENCE</b>			
1. Rule 26(f) Conference held	X		1/13/21
2. Rule 26(a)(1) disclosures exchanged	X		1/18/21
3. Requested:			
a. Medical records authorization		X	
b. Section 160.50 releases for arrest records		X	
c. Identification of John Doe/Jane Doe defendants		X	
4. Procedures for producing Electronically Stored Information (ESI) discussed			4/23/21
5. Confidentiality Order to be submitted for court approval (see Standing Confidentiality Order on the Chambers website)			4/23/21
<b>B. SETTLEMENT PLAN</b>			
1. Plaintiff to make settlement demand		X	
2. Defendant to make settlement offer		X	
3. Referral to EDNY mediation program pursuant to Local Rule 83.8? (If yes, enter date for mediation to be completed)		X	
4. Settlement Conference (proposed date)			9/24/21
<b>C. PROPOSED DEADLINES</b>			
1. Motion to join new parties or amend pleadings			5/28/21
2. Initial documents requests and interrogatories			7/12/21
3. All fact discovery to be completed (including disclosure of medical records)			60 days after ruling on motion for class certification.
4. Joint status report certifying close of fact discovery and indicating whether expert discovery is needed			60 days after ruling on motion for class certification.

5. Expert discovery (only if needed)		<i>Check here if not applicable</i> <input type="checkbox"/>	
Plaintiff expert proposed field(s) of expertise:		Efficacy, damages.	
Defendant expert proposed field(s) of expertise:		Efficacy, damages.	
	<b>DONE</b>	<b>NOT APPLICABLE</b>	<b>DATE</b>
a. Affirmative expert reports due			60 days after ruling on motion for class certification.
b. Rebuttal expert reports due			90 days after ruling on motion for class certification.
c. Depositions of experts to be completed			120 days after ruling on motion for class certification.
6. Completion of ALL DISCOVERY (if different from C.3)			120 days after ruling on motion for class certification.
7. Joint status report certifying close of ALL DISCOVERY and indicating whether dispositive motion is anticipated			120 days after ruling on motion for class certification.
8. If any party seeks a <b>dispositive motion</b> , date to (a) file request for pre-motion conference (if required), or (b) file briefing schedule for the motion			127 days after ruling on motion for class certification.
9. Proposed Joint Pre-Trial Order due (if no dispositive motion filed)		X	
<b>D. CONSENT TO MAGISTRATE JUDGE JURISDICTION</b>			
1. All parties consent to Magistrate Judge jurisdiction for dispositive motion?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. All parties consent to Magistrate Judge jurisdiction for trial?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>E. COLLECTIVE ACTION AND CLASS ACTION MOTIONS ONLY</b>			
1. Motion for collective action certification in FLSA cases			
a. Response due			
b. Reply due			
2. Motion for Rule 23 class certification			12/7/21
a. Response due			49 days after moving brief filed
b. Reply due			28 days after opposition brief filed

This Scheduling Order may be altered or amended only upon a showing of good cause based on circumstances not foreseeable as of the date of this order.

SO ORDERED:

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PEGGY KUO  
United States Magistrate Judge

\_\_\_\_\_  
Date